

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**JAMES S. PAVLICHKO, SR.**  
**Plaintiff,**

**and**

**JAMES S. PAVLICHKO, JR.,**  
**A Minor Child**  
**Plaintiff,**

**vs.**

**GLEN MILLS SCHOOL, COSIMO D.**  
**FERRAINOLA, LARRY LAURENCE,**  
**GREG FRAZIER, JIM WELSH,**  
**TODD DONAHUE, T.J. GREEN,**  
**AND NELSON YANEZ,**  
**Defendants.**

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**CIVIL ACTION #: 02-cv-02889**

**PLAINTIFFS' PROPOSED INTERROGATORIES TO THE JURY**

Plaintiffs James S. Pavlichko, Sr. and James S. Pavlichko, Jr. submit the following

Proposed Interrogatories to the Jury.

Respectfully submitted,

HANGLEY ARONCHICK SEGAL & PUDLIN

Dated: October 6, 2003

By: Kathleen M. Laubenstein  
Bruce S. Haines  
Kathleen M. Laubenstein  
Matthew A. Hamermesh  
One Logan Square, 27th Floor  
Philadelphia, PA 19103  
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*Counsel for Plaintiffs*

**PLAINTIFF'S PROPOSED JURY QUESTIONS**

1. **Eighth Amendment:** Do you find by a preponderance of the evidence that defendant Glen Mills School, acting under color of state law, intentionally violated plaintiff James S. Pavlichko, Jr.'s constitutional right not to be subjected to cruel and unusual punishment?

YES \_\_\_\_\_ NO \_\_\_\_\_

Do you find by a preponderance of the evidence that defendant Thomas Green, acting under color of state law, intentionally committed acts that violated plaintiff James S. Pavlichko, Jr.'s constitutional right not to be subjected to cruel and unusual punishment?

YES \_\_\_\_\_ NO \_\_\_\_\_

2. **Retaliation:** Do you find by a preponderance of the evidence that defendant Glen Mills School, acting under color of state law, intentionally took adverse action against plaintiff James S. Pavlichko, Jr. in retaliation for his exercise of his rights under the First Amendment of the United States Constitution?

YES \_\_\_\_\_ NO \_\_\_\_\_

Do you find by a preponderance of the evidence that defendant James Welsh, acting under color of state law, intentionally took adverse action against plaintiff James S. Pavlichko, Jr. in retaliation for his exercise of his rights under the First Amendment of the United States Constitution?

YES \_\_\_\_\_ NO \_\_\_\_\_

Do you find by a preponderance of the evidence that defendant Nelson Yanez, acting under color of state law, intentionally took adverse action against plaintiff James S. Pavlichko, Jr. in retaliation for his exercise of his rights under the First Amendment of the United States Constitution?

YES \_\_\_\_\_ NO \_\_\_\_\_

3. **Assault:** Do you find by a preponderance of the evidence that defendant Thomas Green intended to put the plaintiff James S. Pavlichko, Jr. in reasonable and immediate fear of a harmful or offensive contact with his body, and that the plaintiff James S. Pavlichko, Jr., as a result of the defendant Thomas Green's actions, was put in reasonable and immediate fear of such harmful or offensive contact?

YES \_\_\_\_\_ NO \_\_\_\_\_

4. **Battery:** Do you find by a preponderance of the evidence that that the defendant Thomas Green intended to cause a harmful or offensive contact with the body of the plaintiff James S. Pavlichko, Jr., or that the defendant Thomas Green intended to put plaintiff James S. Pavlichko, Jr. in reasonable and immediate fear of a harmful or offensive contact with his body, and that the actions of defendant Thomas Green directly resulted in a harmful or offensive contact with the plaintiff James S. Pavlichko, Jr.'s body?

YES \_\_\_\_\_ NO \_\_\_\_\_

5. **Damages:** We award James S. Pavlichko, Jr. damages in the amount of:

\$ \_\_\_\_\_  
(fill in the amount, or if you find that Pavlichko's damages have no monetary value, set forth a nominal amount such as \$1.00)

**5. Punitive Damages:**

We assess punitive damages against defendant Thomas Green in the amount of:

\$ \_\_\_\_\_  
(fill in the amount, or if none, write the word "none")

We assess punitive damages against defendant James Welsh in the amount of:

\$ \_\_\_\_\_  
(fill in the amount, or if none, write the word "none")

We assess punitive damages against defendant Nelson Yanez in the amount of:


\$ \_\_\_\_\_  
(fill in the amount, or if none, write the word "none")

**CERTIFICATE OF SERVICE**

I, Kathleen M. Laubenstein, hereby certify that on October 6, 2003, I caused a true and correct copy of the foregoing Plaintiffs' Proposed Interrogatories to the Jury to be served on the following by overnight delivery:

Edward M. Galang, Esquire  
Marshall, Dennehey, Warner, Coleman & Goggin  
One Montgomery Plaza, Suite 1002  
Norristown, PA 19401-4814

Guy Vilim, Esquire  
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Kathleen M. Laubenstein